

P.I/S

United States District Court
for the
Southern District of New York

Joshua Adam Schulte,
plaintiff

Case No.

(to be filled in by clerk's office)

-v-

United States of America
and Unknown Bureau of Prisons
and Federal Bureau of Investigation
Officers,

Defendants

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SDNY PRO SE OFFICE

NEW COMPLAINT FOR VIOLATION OF
CIVIL RIGHTS (Prisoner Complaint)

I. The Parties to This Complaint

A. The Plaintiff

Name: Joshua Adam Schulte

AKA: Josh

ID #: 79471054

Institution: Metropolitan Correctional Center (MCC)

Address: 150 Park Row

New York, New York 10007

B. The Defendants

Defendant No. 1

Name: The United States of America

— Substituted for the Bureau of Prisons and Federal Bureau of Investigation in accordance with the Federal Tort Claims Act (FTCA)

Defendant No. 2

Unknown Number of Bureau of Prisons officers

— See Complaint

Defendant No. 3

Unknown Number of Federal Bureau of Investigation officers

— See Complaint

II. Basis for Jurisdiction

A. The Federal Tort Claims Act (FTCA) is the basis for jurisdiction against the United States of America Defendant.

B. Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 US 388 (1971), basis for jurisdiction against BOP and FBI officers.

I. Under Bivens, claiming violation of First, Fourth, and Sixth Amendments.

III. Prisoner Status - Pretrial detainee

IV. Statement of Claim

Between October 1, 2018 to present day, the defendants have engaged in the deliberate delay of all legal and Court correspondence mail to me, and in some circumstances, from me. The BOP/MCC/BOP defendants opened legal mail and Court mail outside my presence, confiscated it, and mailed it to the FBI defendants. After 1-3 months, the BOP/MCC defendants would then deliver the mail to me.

V. Injuries

The defendants caused substantial damage including the denial to the plaintiff of access to the Courts, where multiple motions and even entire cases were dismissed due to missed deadlines; the inability for the plaintiff to assist in his own defense and the confiscation of attorney-client privileged information; among other injuries.

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II. Relief

A. Plaintiff first seeks a permanent injunction to compel NCC to deliver all legal mail and court correspondence promptly. Plaintiff asks the court to compel the NCC to note when mail is received when it is delivered to Mr. Schulte, and to notify the courts immediately when any piece of mail is delayed by three days or more. Plaintiff also seeks to compel NCC not to open or confiscate any mail, except for probable cause and a warrant; and to open only and all legal mail and court correspondence, in the case of a warrant, in Mr. Schulte's presence.

B. In accordance with the Federal Tort Claims Act (FTCA), Mr. Schulte sought a claim for a total of \$100 million on December 14, 2020; six months have expired with no response. Mr. Schulte now seeks \$100 million from the United States of America defendant. Mr. Schulte additionally seeks unspecified damages from remaining unknown defendants.

III. Exhaustion of Administrative Remedies

Mr. Schulte sought administrative remedy of the claims specified herein on three separate occasions & exhausted all administrative remedies in each. The administrative remedies were denied without consideration of the claims or were ignored until time for a response expired.

IV. Previous Litigation — No case dismissed based on "three strikes rule" 19-CV-

A. Joshua Alan Schulte v. Attorney General of the United, et al. (SDNY) ³³⁴⁶

B. Joshua Alan Schulte v. BOP, et al. 20-cv-2794 (SDNY)

C. ~~In re~~ In re Joshua Alan Schulte Dkt Z1-S14 (2d Cir).

This case was dismissed due to the mail issue in the instant case; NCC delayed the mail until due date expired; pending reinstatement

Administratively closed

Open

P.S/S

IX.

Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint:

- (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;
- (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any change to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of Signing: 5/24/21

Joshua Adam Schwartz

MCC
150 Park Row
New York, New York 10007

Derek of Court,

Please find enclosed my New Complaint for Violation of Civil rights (Prisoner Complaint) that is taken from form Rio Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner).

Also enclosed is the Motion/Application to proceed in forma pauperis along with the Prisoner Authorization Form.

I am & date

Josh Schulte #79471054
MCC

150 Park Row
New York New York 10007

5/24/21

Josh Schulte #79471054

MCC
130 Park Row
NY NY 10007

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ATTN: New Civil complaint for Violation of Civil Rights
Pro Se Intake Office

United States District Court for the Southern District of NY
500 Pearl Street
NY, NY 10007

USMS
EDNY
EDNY